

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO.	_____
v.	:	DATE FILED:	_____
FERMIN GONZALEZ-ALVAREZ	:	VIOLATIONS:	8 U.S.C. § 1326(a) and (b)(2) (Re-entry after deportation - 1 count)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about December 3, 2003, at Leesport, in the Eastern District of Pennsylvania, defendant

FERMIN GONZALEZ-ALVAREZ,

an alien and a citizen of the Dominican Republic who had previously been deported from the United States on or about July 14, 1995, was found in the United States, having knowingly and unlawfully re-entered the United States without first applying to the Attorney General of the United States or his successor, the Secretary for Homeland Security (Title 6, United States Code, Sections 202(3), (4), and 557) for permission to reapply for admission, and without receiving in response the express consent of the Attorney General or his successor to reapply for admission.

In violation of Title 8, United States Code, Section 1326(a) and (b)(2).

NOTICE OF PRIOR CONVICTIONS

THE GRAND JURY FURTHER CHARGES THAT:

Defendant Fermin Gonzalez-Alvarez committed the offense charged in Count One of this Indictment after having been convicted of an aggravated felony, as that term is defined and used in Title 8, United States Code, Sections 1101(a)(43)(B) and 1326(b)(2), as follows:

On May 5, 1995, the defendant was convicted in the Supreme Court of Queens County, New York, of one count of attempted sale of cocaine in the third degree, in violation of New York Penal Law 110/220.39, at Superior Court Information No. 10833/95.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney